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Attorneys for Defendant Balfour Beatty Infrastructure, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

EAST BAY MUNICIPAL UTILITY
DISTRICT; SACRAMENTO COUNTY
WATER AGENCY; FREEPORT WATER
AUTHORITY; CITY OF SACRAMENTO;
CITY OF ROSEVILLE; and CITY OF RIO
VISTA,

ex rel. BILL HALEY; HARRY
ROTZ; and LEW LONG,

Plaintiffs,

v.

BALFOUR BEATTY
INFRASTRUCTURE, INC. and DOES 1
through 100,

Defendants.

CASE NO: 13-CV-02032 WHO

STIPULATION AND ORDER TO CONTINUE
MOTIONS AND CASE MANAGEMENT
CONFERENCE

Assigned to:
Hon. William H. Orrick, Courtroom 2

Complaint Filed: October 26, 2012
Trial Date: Not Set

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This stipulation is entered into between Balfour Beatty Infrastructure, Inc. (“Balfour Beatty”) and *qui tam* plaintiffs Bill Haley, Harry Rotz and Lew Long (collectively the “Relators”). Balfour Beatty and the Relators stipulate through counsel as follows:

1. A case management conference is currently scheduled for 2:00 p.m. on November 12, 2013.

2. The below motions by Balfour Beatty are currently scheduled to be heard at 2:00 p.m. on December 4, 2013:

(a) Motion To Dismiss Pursuant To Rule 12(b)(1) Of The Federal Rules Of Civil Procedure Or, Alternatively, For Judgment On The Pleadings Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure; and

(b) Motion For Judgment On The Pleadings Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure.

3. The Relators’ oppositions to the above-referenced motions are currently due on November 1, 2013. Balfour Beatty’s replies in support of the above-referenced motions are currently due on November 8, 2013.

4. Balfour Beatty and the Relators request the above briefing deadlines, motion hearings and case management conference be rescheduled as follows:

<u>Item</u>	<u>Proposed Rescheduled Time/Date</u>
The Relators’ Oppositions	Tuesday, November 12, 2013
Balfour Beatty’s Replies	Friday, November 22, 2013
Motion Hearings	2:00 p.m. on Wednesday, December 11, 2013
Case Management Conference	2:00 p.m. on Wednesday, December 11, 2013

5. The reason for the requested enlargement of time is to allow both parties to adequately brief the issues raised by both motions and in light of other commitments, including scheduled depositions in this case.

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6. There have been no previous time modifications with respect to the present motions.

7. The parties anticipate that the enlargement of time will have no appreciable effect on the schedule for the case.

8. Balfour Beatty and the Relators understand the Court normally holds case management conferences on Tuesdays. However, Balfour Beatty and the Relators request the Court hold the case management conference at the same time as the motion hearings (i.e., 2:00 p.m. on Wednesday, December 11, 2013) in order to preserve judicial resources. If this date is not available for the Court, the parties request the Court set the case management conference for a date after December 11, 2013.

SO STIPULATED.

DATED: October 25, 2013

Respectfully submitted,

MARKS, FINCH, THORNTON & BAIRD, LLP

By: /s/ P. Randolph Finch Jr.
P. RANDOLPH FINCH JR.
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DATED: October 25, 2013

DAVIS, COWELL & BOWE, LLP

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ORDER

After considering the above stipulation and for good cause shown, the Court orders as follows:

1. The hearing on Balfour Beatty's Motion To Dismiss Pursuant To Rule 12(b)(1) Of The Federal Rules Of Civil Procedure Or, Alternatively, For Judgment On The Pleadings Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure is rescheduled to 2:00 p.m. on December 11, 2013.

2. The hearing on Balfour Beatty's Motion For Judgment On The Pleadings Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure is rescheduled to 2:00 p.m. on December 11, 2013.

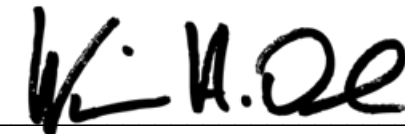
3. The Relators' oppositions to the above-referenced motions must be filed no later than November 12, 2013.

4. Balfour Beatty's replies in support of the above-referenced motions must be filed no later than November 22, 2013.

5. The case management conference is rescheduled to 2 p.m. on December 11, 2013.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 28, 2013



HON. WILLIAM H. ORRICK

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